



Rep. Rita Mayfield

Filed: 4/12/2013

09800HB3005ham003

LRB098 05349 MLW 44435 a

1 AMENDMENT TO HOUSE BILL 3005

2 AMENDMENT NO. _____. Amend House Bill 3005, AS AMENDED, by
3 replacing everything after the enacting clause with the
4 following:

5 "Section 1. Short title. This Act may be cited as the
6 Employee Background Check Act.

7 Section 2. Purpose. The General Assembly finds that it is
8 in the public interest to give Illinois employers access to the
9 broadest pool of qualified applicants possible, to create
10 pathways that facilitate observance of the civil rights of
11 those seeking employment, and to ensure that all qualified
12 applicants are properly considered for available employment
13 opportunities and are not pre-screened unnecessarily or
14 unjustly.

15 Section 5. Definitions. As used in this Act:

1 "Candidate" means any person considered by an employer when
2 identifying potential employees including, but not limited to,
3 persons who ask to be considered for employment or who request
4 information from an employer regarding potential employment or
5 are pursuing employment with an employer in response to some
6 indication that an employer may have employment opportunities
7 available.

8 "Employer" means any entity or person that employs one or
9 more persons.

10 "Employment" means any occupation or vocation.

11 Section 10. Employer Pre-screening.

12 (a) An employer may not, on the face of an employment
13 application or through any other means, inquire about or into a
14 candidate's criminal history directly or indirectly until
15 after the employer determines the candidate to be qualified for
16 the employment opportunity and interviews the candidate.
17 Employers may orally ask a candidate about criminal convictions
18 during an interview.

19 (b) The limitations set forth in subsection (a) of this
20 Section do not apply to employers who are required to exclude
21 candidates from employment because of federal law or Section 25
22 of the Health Care Worker Background Check Act.

23 Section 15. Violations. The Attorney General shall
24 investigate alleged violations of this Act by an employer. If

1 the Attorney General finds that a violation has occurred, the
2 Attorney General may impose the following penalties:

3 (1) For violations that occur prior to January 1, 2015:

4 (A) for the first violation, the Attorney General shall
5 issue a written warning to the employer that includes
6 notice regarding penalties for subsequent violations;

7 (B) if a first violation is not remedied within 30 days
8 of the issuance of a warning under item (A) the Attorney
9 General may impose a \$500 fine; and

10 (C) a second or subsequent violation prior to January
11 1, 2015, is subject to a fine of \$500 per violation, not to
12 exceed \$500 in a calendar month.

13 (2) For violations that occur on or after January 1, 2015:

14 (A) for employers that employ fewer than 21 persons at
15 every location, the penalty is \$250 for each violation, not
16 to exceed \$250 in a calendar month;

17 (B) for employers that employ at least 21 persons at
18 one of their locations, the penalty is \$500 for each
19 violation, not to exceed \$2,000 in a calendar month.

20 Section 99. Effective date. This Act takes effect on
21 January 1, 2014.".